

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DWAINE TAYLOR,  
Plaintiff,

-against-

CITY OF NEW YORK; NEW YORK CITY  
DEPARTMENT OF CORRECTION ("DOC")  
SUPERVISING WARDEN ARTHUR OLIVARI;  
CHIEF OF DEPARTMENT LARRY W. DAVIS,  
SR.; CHIEF OF DEPARTMENT MICHAEL  
HOURIHANE; WARDEN WILLIAM  
CLEMMONS; DEPUTY WARDEN TURHAM  
GUMUSDERE; ASSISTANT DEPUTY  
WARDEN EXECUTIVE OFFICER AT BXDC  
JACQUELINE BRANTLEY; and CORRECTION  
OFFICER JOHN DOES #1-#7,

Defendants.

12 CV 5881 (RPP)

**DECLARATION OF  
KATHERINE ROSENFELD,  
ESQ., IN SUPPORT OF  
PLAINTIFF'S MOTION  
FOR SANCTIONS FOR  
SPOILIATION OF  
EVIDENCE**

KATHERINE ROSENFELD, declares under penalty of perjury, pursuant to 28  
U.S.C. § 1746, that the following is true and correct as follows:

1. I am a partner at the law firm of Emery Celli Brinckerhoff & Abady LLP,  
and along with co-counsel the Legal Aid Society Prisoners' Rights Project, we represent Plaintiff  
Dwayne Taylor in the above-captioned matter. I submit this declaration in support of Plaintiff's  
motion for sanctions for spoliation of evidence.

2. Attached hereto as Exhibit A is a true and correct copy of Defendants'  
Responses and Objections to Plaintiff's Requests for Admission.

3. Attached hereto as Exhibit B is a true and correct copy of the Boyce  
Assault portion of the May 24, 2011 video recording.

4. Attached hereto as Exhibit C is a true and correct copy of the Use of Force portion of the May 24, 2011 video recording.

5. Attached hereto as Exhibit D is a true and correct copy of the deposition transcript of Defendant Assistant Deputy Warden Brantley's April 23, 2013 Rule 30(b)(6) deposition testimony.

6. Attached hereto as Exhibit E is a true and correct copy of the November 26, 2008 Memorandum to Department of Correction Commanding Officers from the Bureau Chief of Facility Operations regarding access to video recordings.

7. Attached hereto as Exhibit F is a true and correct copy of the Transcript of Oral Argument, March 28, 2012, *Kadeem John v. City of New York, et al.*, No. 11 Civ. 5610 (RPP).

8. Attached hereto as Exhibit G is a true and correct copy of the Order, May 30, 2013, *Tafari v. City of New York, et al.*, No. 13 Civ. 1733 (PAE).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 7, 2013  
New York, New York

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/s/  
KATHERINE ROSENFELD